

Ref

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

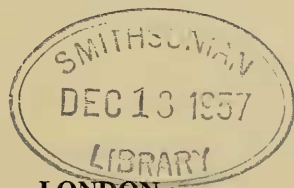
*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**  
Secretary to the Commission

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## **OPINION 488**

Determination of the status under Rule (g) in Article 30 of the *Règles* of the action taken by Curtis (J.) in the Second Edition of the work entitled *A Guide to an Arrangement of British Insects* published in 1837



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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 488

### A. The Officers of the Commission

*Honorary Life President* : Dr. Karl JORDAN (*British Museum (Natural History),  
Zoological Museum, Tring, Herts., England*)

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(12th August 1953)

*Vice-President* : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

*Secretary* : Mr. Francis HEMMING (*London, England*) (27th July 1948)

### B. The Members of the Commission

*(Arranged in order of precedence by reference to date of election or of most recent re-election,  
as prescribed by the International Congress of Zoology)*

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)  
(1st January 1947)

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Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitets Zoologiske Museum, Copenhagen, Denmark*) (27th  
July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

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Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)  
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation,  
Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)  
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum V Praze, Prague, Czechoslovakia*) (30th  
October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)  
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November  
1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge,  
Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)  
(16th December 1954)

## OPINION 488

DETERMINATION OF THE STATUS UNDER RULE (g)  
IN ARTICLE 30 OF THE "RÈGLES" OF THE ACTION  
TAKEN BY CURTIS (J.) IN THE SECOND EDITION  
OF THE WORK ENTITLED "A GUIDE TO AN  
ARRANGEMENT OF BRITISH INSECTS"  
PUBLISHED IN 1837

**RULING :—**(1) It is hereby ruled that in the Second Edition of the work entitled *A Guide to an Arrangement of British Insects* . . . published in 1837 Curtis (J.) did not select type species for the genera there enumerated.

(2) The title of the under-mentioned work is hereby placed on the *Official List of Works Approved as Available for Zoological Nomenclature* with the Title No. 31 :—

Curtis (J.), 1837, *A Guide to an Arrangement of British Insects ; being a Catalogue of all the named species hitherto discovered in Great Britain and Ireland*, (Ed. 2), the entry so made to be endorsed as directed in (1) above.

### I. THE STATEMENT OF THE CASE

On 22nd July 1947, Dr. Curtis W. Sabrosky (U.S. Department of Agriculture, Agricultural Research Service, Bureau of Entomology and Plant Quarantine, Washington, D.C., U.S.A.) submitted a preliminary application on behalf of himself and Dr. R. E. Blackwelder (United States National Museum, Washington, D.C., U.S.A.) in which the International Commission on Zoological

Nomenclature was asked to give a Ruling on whether Curtis (J.) in the Second Edition of his work published in 1837 entitled *A Guide to an Arrangement of British Insects* was to be construed as having selected type species for the genera enumerated therein. As a result of ensuing correspondence between the applicants concerned and the Secretary to the Commission the following revised application was submitted on 25th January 1955 :—

**Proposed rejection for the purposes of Rule (g) in Article 30 of the second edition of Curtis (J.), 1837, "A Guide to an Arrangement of British Insects" or alternatively the proposed suppression of the above work under the Plenary Powers for the foregoing purposes**

By C. W. SABROSKY

(*U.S. Department of Agriculture, Agricultural Research Service,  
Entomology Research Branch, Washington, D.C., U.S.A.*)

and

RICHARD E. BLACKWELDER

(*United States National Museum, Washington, D.C., U.S.A.*)

In 1829 John Curtis published in London a small book entitled *A Guide to an Arrangement of British Insects ; being a Catalogue of all the named species hitherto discovered in Great Britain and Ireland*. The book was intended to serve as an exchange list and as an index to Curtis' large *British Entomology*. In 1837 a second edition appeared, revised and enlarged. Perhaps because of their checklist nature, these works have never attracted much attention from entomologists and are infrequently referred to in synonymies and bibliographies.

2. Some time ago it was noticed that the preface to the second edition includes a passage which might be construed to indicate that in it Curtis selected type species for a number of genera. A letter received from a worker in another country shows that others are aware of this action by Curtis. It appears important to examine the case publicly in order to avoid the risk of opposing usages.

3. On pages v and vi of the Preface appears the following statement :—

It need scarcely be added that the generic and specific names without numbers are considered as synonyms, although many of the former

which intersect long genera will most probably be eventually adopted, and it may often happen that all the species following such generic names would not be considered by the author who proposed the name as belonging to his group, but the one immediately following is always a typical species . . .

These "synonyms" occur throughout the work but do not for the most part appear to involve genera of great importance either because of size or nomenclatorial considerations.

4. In spite of the indecisive wording, it is perhaps possible to look upon these first-species placements as definite selections of type species, particularly because Curtis is known to have used the concept of type species in other works and might be presumed to have applied it to this work as well. However, in his other works, his manner of selecting type species is unambiguous and unquestionably acceptable. There is also another difference that seems to be significant. In his *British Entomology* (1824—1840) Curtis selected a type species for each of the seven hundred and seventy genera found in Britain, but the type species so selected is not always a British species and was not always available to Curtis. In the *Guide*, on the other hand, the first species cited is in each case British, and the first species following the generic name is sometimes not the one that Curtis himself had previously selected as the type species. There appears to be good reason to believe, therefore, that Curtis knew and used the type-species concept, but that in the *Guide*, a simple checklist, he meant exactly what he said, namely, that the first species "is always a typical species" but that this species was not necessarily the type species of the genus.

5. There are thus two facts which together seem sufficient to refute the claim that type species were selected in the edition of the *Guide* published in 1837. These are :—(1) the indecisive wording, which is different from Curtis' regular practice in his other works, and (2) the difference in treatment between the *Guide* and the *British Entomology*, the latter of which contains unquestionably definite selections of type species.

6. It appears to the writers that Curtis' action in the Second Edition of his *Guide* cannot be considered as amounting to type selections, rigidly construed as provided in Article 30. The expression "a typical species" appears to indicate an illustration or example of a genus and not *the* type species of the genus. However, in the event of the Commission taking the view that Curtis' action in this matter ought under a strict application of the *Règles*, to be accepted as amounting to type selections, it is asked to suppress the Second Edition of Curtis' *Guide* under its Plenary Powers for the purposes of Article 30 and, having done so, to place on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* the title of this work, as suppressed to the extent indicated above.



## II. THE SUBSEQUENT HISTORY OF THE CASE

**2. Registration of the present application :** Upon the receipt in 1947 of the preliminary application by Dr. Sabrosky and Dr. Blackwelder, the question of the interpretation of the Second Edition of the work by Curtis (J.) entitled *A Guide to an Arrangement of British Insects* published in 1837 was allotted the Registered Number Z.N.(S.) 298.

**3. Report submitted by the Secretary in August 1955 :** On 23rd August 1955 the Secretary submitted to the International Commission the following Report in which he drew attention to the possibility of dealing with the application submitted in the present case by either of two alternative methods, one of which would involve the use of the Commission's Plenary Powers :—

**Support for the Sabrosky/Blackwelder proposal that the second (1837) edition of Curtis' " Guide to an Arrangement of British Insects " be rejected for the purposes of Article 30**

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

(Note dated 23rd August 1955)

Two issues which require separate consideration arise on the application in regard to the status under Article 30 of the Second Edition of Curtis' *Guide to an Arrangement of British Insects* published in 1837 submitted by Dr. Sabrosky and Dr. Blackwelder. These are :— (1) Did Curtis in the above work make type selections for genera within the meaning of Article 30 ? (2) What action on the part of the Commission is required to obviate the risk of these type selections upsetting established usage for the generic names concerned ?

2. On the first of these questions, I should like strongly to support the view expressed by Drs. Sabrosky and Blackwelder that in this work Curtis did no more than what he said he was going to do, namely, cite " a typical species " and that it was no part of his intention to select type species for genera in his little *Guide*. When in the early thirties I was preparing my *Generic Names of the Holarctic Butterflies*, I was very much struck by the clear and unequivocal manner in which

Curtis selected type species for genera in his *British Entomology*, for in this matter he was far ahead of almost all of his contemporaries. In these circumstances it appears to me to be incredible that, if in the *Guide* of 1837 he had intended to select type species, he should have employed the ambiguous phrase "a typical species" in place of the clear phraseology used by him in his *British Entomology*. It is all the more incredible that at the date in question (1837) he should have acted in this manner, when we recall that at the time his *British Entomology* was still in process of being published, the last instalment not having been published until 1840, three years after the appearance of the Second Edition of the *Guide*.

3. The problem in the present case appears to me to be very similar to that presented by Lamarck's *Système des Animaux sans Vertèbres* of 1801, for in that work Lamarck cited for each genus a typical species without clearly stating that that species was regarded by him as the type species of that genus, just as in his *Guide* of 1837 Curtis cited "a typical species" without stating that he was selecting that species to be the type species. In the case of Lamarck's *Système* the Commission in its *Opinion* 79 (1924, *Smithson. misc. Coll.* 73 (No. 2) : 15—16) gave a Ruling that the above work by Lamarck "is not to be accepted as designation of type species". This is the course which, in effect, Drs. Sabrosky and Blackwelder recommend should be adopted in the present case, a recommendation which I strongly support. If on the other hand the view were to be taken that despite the similarities noted above, the *Guide* should be regarded as differing in this respect from the *Système*, I would strongly support the alternative proposal submitted by the above specialists, namely, that the Plenary Powers should be used to disqualify the *Guide* of 1837 for the purposes of Article 30, for, as was clearly stressed in the discussions on the need for promoting stability in zoological nomenclature held at Copenhagen in 1953, changes in the type species of genera resulting from the discovery of long-overlooked type selections are just as objectionable as the sinking of well-known names as synonyms of long-overlooked names of older date. Indeed, in some respects changes of the first of these classes are even more objectionable than those of the second class, for the element of confusion is greater when an established name has to be used in a new and unaccustomed sense than when an established and familiar name is sunk in synonymy.

4. In order to provide for the possibility that the view might be taken that in the *Guide* of 1837 Curtis did select type species for genera, the applicants in the present case, on my suggestion, inserted in their proposal a request that, if the foregoing view were to be taken, the Commission should use its Plenary Powers to prevent established type selections from being disturbed on this account. By this means the Plenary Powers machinery has been set in motion and will be available in the event of its use being considered necessary to secure the end desired.

5. There are thus two alternatives now laid before the Commission for consideration in this case. These are as follows :—

**Alternative “A”**

Under this Alternative the Commission would :—

- (1) give a Ruling that in the Second Edition of the work entitled *A Guide to an Arrangement of British Insects* published in 1837 Curtis (J.) did not select type species for the genera there enumerated ;
- (2) place the title of the above work on the *Official List of Works Approved as Available for Zoological Nomenclature*, with an endorsement in the terms of (1) above.

**Alternative “B”**

Under this Alternative the Commission would :—

- (1) use its Plenary Powers to suppress for the purposes of Rule (g) in Article 30 all entries in the Second Edition of the work by Curtis (J.) published in 1837 under the title *A Guide to an Arrangement of British Insects* ;
- (2) place the title of the foregoing work :—
  - (a) on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* with an endorsement as in (1) above ;
  - (b) on the *Official List of Works Approved as Available for Zoological Nomenclature*, with an endorsement excepting from the above entry the portion suppressed under the Plenary Powers under (1) above.

For the reasons explained in their application Drs. Sabrosky and Blackwelder favour Alternative “A” and I fully share their view.

**4. Publication of the present application :** The present application and the Secretary’s Report thereon were sent to the printer on 23rd August 1955 and were published on 13th April 1956 in Part 12 of Volume 9 of the *Bulletin of Zoological Nomenclature*, the delay in publication being due to a dispute in the London printing trade in the opening months of 1956 (Sabrosky & Blackwelder, 1956, *Bull. zool. Nomencl.* **9** : 353—354 ; Hemming, 1956, *ibid.* **9** : 355—356).



**5. Issue of Public Notices :** In the form in which the present application was submitted by Dr. Sabrosky and Dr. Blackwelder, the use of the Commission's Plenary Powers was not involved. At the time of the publication of this application it was decided however to give Public Notice of the possible use of the foregoing Powers in order to place the Commission in a position to vote on the second of the alternative methods of dealing with this case set out in the Report submitted by the Secretary (paragraph 3 above). Accordingly under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 13th April 1956 (a) in Part 12 of Volume 9 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by Dr. Sabrosky and Dr. Blackwelder and the Report by the Secretary were published) and (b) to the other prescribed serial publications. In addition such Notice was given also to four general zoological serial publications and to eight entomological serials in Europe and America.

**6. No objection received :** No objection to the grant of approval to the object sought in the present application was received from any source.

**7. No support received for use of the Plenary Powers in the present case :** During the Prescribed Waiting Period of Six Months following the publication in the *Bulletin of Zoological Nomenclature* of the documents relating to the present case no support was received for the second of the alternative solutions which had been suggested (Alternative "B"), namely, the solution involving the use of the Plenary Powers, that Alternative being one which had no relevance in the absence of any objection to Alternative "A".

**8. Report submitted by the Secretary in September 1956 :** At the time when it was necessary for a Voting Paper to be submitted in relation to the present case, the Secretary prepared the following

brief Report to be laid before the Commission with the Voting Paper in this case :—

*Alternative Courses possible :* In a Report published concurrently with the present application (*Bull.* 9 : 355—356) the Secretary has pointed out that it would be possible to deal with this case without using the Plenary Powers by giving a ruling that in the *Guide* Curtis did not select type species for genera (Alternative “A”) instead of by using those Powers to suppress the *Guide* (Alternative “B”). The first of these courses is supported by the applicants (Sabrosky & Blackwelder) as well as by the Secretary. No support has been received for Alternative “B”, which is therefore now withdrawn. Accordingly, the Commission is now asked to vote directly upon the solution styled “Alternative ‘A’” on page 356 of Volume 9 of the *Bulletin*.

### III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**9. Issue of Voting Paper V.P.(56)36 :** On 1st October 1956 a Voting Paper (V.P.(56)36) was issued in which the Members of the Commission were invited to vote either for, or against, “the proposal relating to the second (1837) edition of Curtis’ *A Guide to an Arrangement of British Insects* set out as Alternative ‘A’” in paragraph 5 on page 356 of Volume 9 of the *Bulletin of Zoological Nomenclature*” [i.e. in the paragraph numbered as above in the paper reproduced in paragraph 3 of the present *Opinion*].

**10. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 1st January 1957.

**11. Particulars of the Voting on Voting Paper V.P.(56)36 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)36 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Mertens ; Hering ; Mayr ; Lemche ; do Amaral ; Jaczewski ; Vokes ; Esaki ; Prantl ; Dymond ; Key ; Riley ; Bonnet ; Hemming ; Bodenheimer ; Bradley (J.C.) ; Stoll ; Tortonese ; Miller ; Cabrera ; Kühnelt ; Sylvester-Bradley ; Boschma ;

(b) *Negative Votes :*

None ;

(c) *Prevented from Voting by interruption of postal communications consequent upon political disturbances, one (1) :*

Hankó ;

(d) *Voting Papers not returned :*

None.

**12. Declaration of Result of Vote :** On 2nd January 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)36, signed a Certificate that the Votes cast were as set out in paragraph 11 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**13. Preparation of the Ruling given in the present “ Opinion ” :**  
On 28th June 1957, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)36.

**14.** The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

**15.** The present *Opinion* shall be known as *Opinion* Four Hundred and Eighty-Eight (488) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Eighth day of June, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**